

Trion James v. Port Authority Police Department, Port Authority of New York and New Jersey, Edward Cetnar (in his official capacity), Christopher McNerney (in his official capacity), and Does 1-5

Civil No.: 1:22-cv-02463-PGG

EXHIBIT S

PIU INVESTIGATIVE ACTION REPORT

PIU-C-21-0036

DATE: October 25, 2021

TIME: 1215 Hours

I.O. NAME: Detective Lieutenant Victoria Lubeck

On October 22, 2021, at approximately 1427 hours, Port Authority Police Department ("PAPD") Detective Lieutenant Victoria Lubeck (Employee #42037) and Detective Luis Morales (Employee #43098) of the Police Integrity Unit ("PIU") interviewed Police Officer Jeaneth Fajardo (Employee #51720) of the World Trade Center ("WTC") Police Command. The interview was conducted at Site 5 at the WTC Police Command. Also, present, representing the Port Authority Police Benevolent Association ("PBA") was Police Officer Cesar Morales (Employee #43284).

Detective Lieutenant Lubeck advised Officer Fajardo she was a witness in an official investigation and there were no allegations against her. Detective Lieutenant Lubeck explained that the PIU did not deem Officer Fajardo to be the Target in the investigation but some of the questions will be geared towards her specific conduct and may be considered target questions. As a precaution, Rule 3 9D PA PBA MOU 11/18/2020 was read to Officer Fajardo and the officer acknowledged that she understood Rule 3.

Officer Fajardo was advised the subject of her testimony was going to encompass an incident that occurred on October 21, 2021, at approximately 1900 hours in One World Trade Center. When asked if there was any reason why she could not give truthful and honest testimony, Officer Fajardo responded, "No."

Officer Fajardo was asked if she was satisfied with her representation, to which she replied, "Yes". The interview commenced; an overview of the interview is as follows:

Officer Fajardo stated that she was appointed to the PAPD on April 19, 2019. Officer Fajardo further stated her post assignment for October 21, 2021, tour 3 was HUB 3.

Detective Lieutenant Lubeck asked Officer Fajardo if she responded to One World Trade Center, to which she responded, "Yes." When asked the purpose of the response, Officer Fajardo responded, *"I was sitting in the report room. Um, I was told to remove myself from the report room and escort a sergeant to Tower 1."*

Detective Lieutenant Lubeck asked Officer Fajardo if she was ordered to do that. Officer Fajardo stated, *"Yeah, Sergeant D'Agostino. He told me to escort Sergeant James into the command because he didn't have an I.D. Sergeant James came inside, told me if I can escort him into Tower 1 and that Sergeant D'Agostino was notified."*

During the course of the interview, Detective Lieutenant Lubeck directed Officer Fajardo to read what was documented in her memo book (No. 303562) for the subject incident on October 21, 2021. Officer Fajardo stated, *"At 1850 was pulled off paperwork from report*

PIU INVESTIGATIVE ACTION REPORT

room by 8-1 James to be escorted to Tower 1 observatory. Sergeant James was off duty, stated he had reservations at the restaurant inside Tower 1. Sergeant James spoke to customer service and began to give them an issue by not showing proof of reservation. He kept telling and asking the, the customer service reps why they wouldn't let him up if he works there. Claimed that they should let him up because he is a supervisor at the World Trade Center Command. At this point, he began to get loud with the reps and flashing his badge and identification. The security from Tower 1 came over and asked to speak to Sergeant James on the side, and he refused. Sergeant James approached the guard at this time and was close in his face. Both Sergeant James and the guard were in close range of one another. Sergeant James refused to leave the building. 8-0 was called to the scene. I asked 8-1 James if he can follow me outside of the lobby and refused. I asked him again to follow me at this time. He listened and went out the door. I asked him to wait as a supervisor was on the way. Sergeant James left. Supervisors were on the scene and spoke to the guards at Tower 1. At this time, I was not instructed to do anything further and resumed normal patrol."

Officer Fajardo stated she escorted Sergeant James into Tower 1 to the Observatory Guest Service desk. Officer Fajardo further stated Sergeant James told guest services personnel he had reservations. Detective Lieutenant Lubeck asked Officer Fajardo if Sergeant James was alone. Officer Fajardo responded, "He was by himself. Uh, he stated that his family was coming within 10 minutes and that they had reservations to go up to the dinner, and he wanted to go to the observatory. Um, they asked him for proof of reservations, and he couldn't show proof of reservation. That's when the security guards (Mr. Anthony Cotroneo) from Tower 1 approached him, can we talk on the side. At this point he had; he was already loud with the customer service representatives."

Officer Fajardo stated that he was yelling during the incident. When asked to recall the words Sergeant James was using, Officer Fajardo stated, "Okay, uh, he was saying like what the fuck, like, you know, I fuckin' work here. I'm a supervisor here. This is my building. And then, um, at this time the security guard told him 'Hey, like, I'm not letting you into the building. Can you please get out?' They got close to each other. His, pointing his hands in his face and then, um, he (Sergeant James) was like 'what are gonna do? Are you gonna fuckin' arrest me?' Put his hands out and everything."

When questioned if the verbal altercation between Mr. Cotroneo and Sergeant James became physical, Officer Fajardo stated that it did. Officer Fajardo stated, "Um, they were in close range. Um, Sergeant James approached him, kind of like shoved him like with the chest, and then that's when the other guy was like hey, like, you have to go and then more, uh, security guards came, and at this time that's when I had requested, um, 8-0 to come to the scene, and it took a while, but, um, 8-1 D'Agostino was on scene before, uh, 8-0."

When questioned, Officer Fajardo stated that she did not have to physically separate Sergeant James and Mr. Cotroneo nor did she have to restrain Sergeant James during the incident. Officer Fajardo stated that during the incident customer service representatives were present as well as the general public coming down from the World Trade Center Observatory pausing to observe the incident.

PIU INVESTIGATIVE ACTION REPORT

Officer Fajardo stated that she requested a lieutenant respond to the scene over the radio. Officer Fajardo tried to escort Sergeant James out of the building, but he refused. After a second request, Sergeant James complied and followed Officer Fajardo out of the building.


Sergeant Nicholas D'Agostino (Employee #47228) responded to the scene after Sergeant James departed Tower 1. Approximately 15-20 minutes later, Lieutenant Lance Harrison (Employee #42801) arrived on scene but did not speak to Officer Fajardo. Officer Fajardo stated Lieutenant Harrison went straight to Mr. Cotroneo.


When asked if Sergeant James was intoxicated, Officer Fajardo responded, "Yes." The officer further stated that Sergeant James was slurring words. When asked to clarify what was meant by slurring, Officer Fajardo responded, "*Sometimes like some of the words he was saying, and then when he was like on his phone, he was kinda like moving around a little bit, so.*" During the time of this statement, Officer Fajardo was demonstrating utilizing her mobile telephone swaying in a back-and-forth motion.

Detective Lieutenant Lubeck asked Officer Fajardo if as a result of this incident, did she feel comfortable working with Sergeant James. Officer Fajardo responded, "*I feel comfortable working here at the command. I feel comfortable working here at the command with him. I just don't want to be a target because of the situation that happened.*"

Detective Lieutenant Lubeck also asked Officer Fajardo if as a result of the incident, did she feel comfortable working with Sergeant D'Agostino and Lieutenant Harrison. Officer Fajardo responded "Yes." to working with both supervisors.

The interview concluded at 1458 hours.


IO Signature


Supervisor Signature